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STATE OF MICHIGAN

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF:

UNION STEEL PRODUCTS, INC.
500 North Berrien
Albion, Michigan 49224

No: 1992-3

The Deposition of THEODORE C.
LUTZKE was taken before J. Renae Bradley,
CSR-3927, Notary Public in and for the County
of Ingham, on Monday, April 6, 1992, at Knapps
Office Center, 300 South Washington, Suite
530, Lansing, Michigan, commencing at or about
9:00 a.m.

APPEARANCES:

DEPARTMENT OF ATTORNEY GENERAL
BY: JEREMY M. FIRESTONE, J.D. (P41404)
Assistant Attorney General
Environmental Protection Division - Knapps
Post Office Box 30212
Lansing, Michigan 48909

Appearing on behalf of Attorney
General Frank J. Kelley.

1 ALSO PRESENT:

2 Liane J. Shekter Smith,
Michigan Department of Natural Resources.

3 Philip L. Schrantz,
4 Michigan Department of Natural Resources.

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8 INDEX TO EXAMINATION

9 WITNESS: THEODORE C. LUTZKE

10 Examination by Mr. Firestone

Page 3

11
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13
14 INDEX TO EXHIBITS

15 Deposition Exhibit No. 1

Page 3

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DOLMAN & ASSOCIATES, INC.

P.O. Box 26125 - Lansing, Michigan 48909
(517) 393-1668

Lansing, Michigan

Monday, April 6, 1992

8:54 a.m.

R E C O R D

THEODORE C. LUTZKE,

having first been duly sworn by the Notary
Public to tell the truth, the whole truth, and
nothing but the truth, testified as follows:

EXAMINATION

BY MR. FIRESTONE:

Q. Could you state your full name for the record?

A. Theodore Carl Lutzke.

Q. And what's your present address, sir?

A. 833 Irwin Ave., Albion, Michigan 49224.

Q. It's Lutzke?

A. Lutzke.

Q. Good morning, Mr. Lutzke. My name is Jeremy
Firestone. I'm an Assistant Attorney General
with the State of Michigan, and we're here to
take your deposition this morning regarding
the Union Steel Products building at 500 North
Albion, in Albion, Michigan. Are you
generally familiar with that --

A. Yes, I am.

(Whereupon, document

1 marked as Exhibit No. 1.)

2 Q. (BY MR. FIRESTONE, CONTINUING) I'm handing
3 you what's been marked Deposition Exhibit 1.
4 Can you just identify it for the record?

5 A. Yes, I can.

6 Q. Could you just tell us briefly what it is?

7 A. This is a certified letter to myself, a
8 subpoena and order to appear in connection
9 with the Union Steel Products Company,
10 Incorporated.

11 Q. And that's for today, this morning?

12 A. That's for this morning, yes.

13 Q. Okay. How old are you, sir?

14 A. Sixty-seven years.

15 Q. And could you tell me a little bit about your
16 educational background?

17 A. High school, and then a lot of short courses
18 on management through Michigan State and the
19 University of Michigan.

20 Q. Okay. Did you ever work for a company called
21 Eagle-Picher Industries, Inc.?

22 A. Yes, I did.

23 Q. When did you first work for Eagle-Picher
24 Industries?

25 A. When they purchased Union Steel Products

- 1 Company.
- 2 Q. Do you recall about when that was?
- 3 A. No, I don't.
- 4 Q. Did you work for Union Steel Products prior to
- 5 them being purchased by --
- 6 A. Yes, I did.
- 7 Q. Again, you've got to let me finish.
- 8 A. Oh, sorry.
- 9 Q. It's okay, just so that we get a clear
- 10 transcript. Did you work for Union Steel
- 11 Products prior to them being purchased by --
- 12 A. Yes, I did.
- 13 Q. And do you know when you first began working
- 14 for Union Steel Products?
- 15 A. 1947.
- 16 Q. And what did you do before you worked for
- 17 Union Steel Products?
- 18 A. I was in the service.
- 19 Q. And would this have been your first job after
- 20 high school and the service?
- 21 A. No.
- 22 Q. What did you do before that? If you can
- 23 recall.
- 24 A. I worked for Gale Manufacturing, which was a
- 25 foundry, for about six months. Then I did a

1 little carpenter work. Then I went to Union
2 Steel.

3 Q. Do you recall what your first position was
4 with Union Steel?

5 A. I think a sheet metal worker.

6 Q. Did you work in any other town other than
7 Albion?

8 A. No.

9 Q. Are you familiar with the four different
10 plants in Albion?

11 A. Yes.

12 Q. Okay. Which of those different plants did you
13 work at during your -- at any time, no matter
14 who owned Union Steel Products?

15 A. I worked in all four of them.

16 Q. All four of them. Was it sequential, or did
17 you just work here and there?

18 A. When I started -- let me give you a history.

19 Q. Okay.

20 A. Of Union Steel to me. I worked in sheet metal
21 when I started at Union Steel.

22 Q. Okay.

23 A. From there, I went into the plating room. And
24 I worked myself up in the plating room until I
25 was general foreman. When they closed the

1 plating room down in Plant 1, I went in as the
2 maintenance superintendent.

3 Q. In which plant?

4 A. All plants.

5 Q. Okay.

6 A. Until I retired.

7 (Whereupon, discussion
8 off the record.)

9 THE WITNESS: And I retired
10 in -- about three years ago.

11 Q. (BY MR. FIRESTONE, CONTINUING) Okay.

12 A. But there was a lapse. From 1981, I got
13 discharged from Union Steel and went to work
14 for Pickens Plating for a year and a half. I
15 got laid off there, and Kamakien had Pickens
16 Plating take over the plating operations at
17 Union Steel.

18 And I worked there for Mr.
19 Pickens until he got out, and we closed the
20 plating room down at that time. Then I went
21 into the maintenance when they closed that
22 down, until I retired.

23 Q. How long did you work in the sheet metal --

24 A. Approximately six months.

25 Q. And do you know which plant that would have

1 been in?

2 A. That would be in Plant 2.

3 Q. So your work in -- when we talk about Plant 2,
4 is that the 501 North Berrien, Berrien and
5 Mulberry? Is that what you're referring to?

6 A. I'm referring -- the plant between Monroe and
7 Berrien, which is I think what you have there.

8 Q. Okay. And the only work that you did in that
9 plant was six months in sheet metal, and then
10 in the mid to late '80s as a maintenance
11 superintendent.

12 A. Yes. Yeah.

13 Q. And as far as the other two plants that didn't
14 have plating operations, your only work in
15 them would have been as the maintenance
16 superintendent in the late 1980s, mid to late
17 1980s.

18 A. Correct.

19 Q. Okay. So you spent most of your career in the
20 plating room.

21 A. Correct.

22 Q. When you say you were -- you indicated you
23 were discharged in 1981 from Union Steel
24 Products, Inc.

25 A. Yes.

- 1 Q. Was Union Steel Products still owned by
2 Eagle-Picher at that point?
- 3 A. Yes.
- 4 Q. Why were you discharged?
- 5 A. Couldn't get along with my superior.
- 6 Q. And who was your superior? If you can
7 recall.
- 8 A. I really can't recall his name.
- 9 Q. Would his name have been Robert Mitchell?
- 10 A. No.
- 11 Q. Would his name have been David Delger?
- 12 A. No.
- 13 Q. He would have been a middle-line manager
14 underneath either Mr. Delger or Mr. Mitchell?
- 15 A. Yes.
- 16 Q. Okay.
- 17 A. Mr. Delger wasn't there at that time.
- 18 Q. Okay. Mr. Delger wasn't there at the time
19 that --
- 20 A. When I got discharged.
- 21 Q. When you got discharged. Okay. You then
22 indicated you went to work for Pickens
23 Plating --
- 24 A. Yes.
- 25 Q. -- for 1.5 years, a year and a half.

- 1 A. Yes.
- 2 Q. At any time while you were employed by Pickens
3 Plating, were you working physically in the
4 Union Steel plant?
- 5 A. At this year and a half portion, no.
- 6 Q. Okay. Where were you working at that point?
- 7 A. At Pickens Plating.
- 8 Q. And is that also in Albion?
- 9 A. That is also in Albion.
- 10 Q. So from sometime in 1981 until 1983, you
11 worked for Pickens Plating?
- 12 A. Correct.
- 13 Q. You were then laid off by Pickens Plating?
- 14 A. Correct.
- 15 Q. And then sometime in 1983, you were hired by
16 Mr. Kamakien in Union Steel Products, Inc.?
17 Who was your employer?
- 18 A. My employer was Vaud Pickens at Pickens
19 Plating when I went back. He was running the
20 plating operation for Mr. Kamakien.
- 21 Q. So Mr. Pickens, in '83 until the plating
22 operations were shut down, would have written
23 your check to pay you.
- 24 A. It was a messed up thing. I was getting a
25 check from Union Steel, but they were

1 subtracting it from what they were paying Mr.
2 Pickens.

3 Q. Okay. So during the time period when you
4 worked for or with Pickens Plating in the
5 Union Steel plant, your checks, your
6 employment checks were actually written by
7 Union Steel Products, Inc.

8 A. Yes. If I recall right.

9 Q. And that would have been reflected on your tax
10 returns.

11 A. Yes.

12 Q. How long after Pickens Plating came into the
13 plant did they run the plating line?

14 A. Maybe three years.

15 Q. And do you know why the plating line shut
16 down?

17 A. Well, they wanted to close the whole building
18 down. Because it was not feasible to heat,
19 and he wanted -- Kamakien wanted to get out of
20 the plating business, period.

21 Q. Why wasn't it feasible to heat?

22 A. It was an old building, and they didn't have
23 the business like they used to have, and you
24 couldn't afford to the heat the whole building
25 for one shift operation, I believe.

1 Q. Do you know why Mr. Kamakien wanted to get out
2 of the plating business?

3 A. No, I don't.

4 Q. So after the plating operations shut down, at
5 that point you became a maintenance supervisor
6 for Union --

7 A. Yes.

8 Q. Okay. From now on when I talk about the Union
9 Steel Products plant, unless I discuss another
10 plant you should assume that I'm referring to
11 what has been dubbed Plant 1, the one at 500
12 North Berrien where plating operations
13 commenced. Okay, just so we have that
14 understanding?

15 A. (Shaking head.)

16 Q. What was your first job in the plating room?

17 A. An operator.

18 Q. Okay. And what did your job duties entail as
19 an operator?

20 A. Cleaning and plating refrigerator shelves, by
21 hand.

22 Q. And what would you do with the waste material
23 that was generated from your cleaning?

24 A. At that time, I didn't care. It just went
25 right down the sewer.

- 1 Q. Okay. And about how long were you a plating
2 operator?
- 3 A. Approximately a year.
- 4 Q. And what was your next position?
- 5 A. Supervisor.
- 6 Q. And what did you supervise, what type of
7 operation?
- 8 A. Zinc plating, copper nickel comb plating,
9 buffing.
- 10 Q. Were you the only supervisor related to
11 plating operations?
- 12 A. No.
- 13 Q. Do you recall the names of any other
14 supervisors?
- 15 A. Kenny Wallace (phonetically), which was the
16 foreman.
- 17 Q. Was Mr. Wallace the person you would have
18 reported to?
- 19 A. Yes. He is deceased.
- 20 Q. Did there come a point in time when you
21 reported to someone else other than Mr.
22 Wallace?
- 23 A. Yes.
- 24 Q. Were you still the plating supervisor at that
25 time?

- 1 A. Yes.
- 2 Q. And do you know who that person would be?
- 3 A. Russ Munch (phonetically).
- 4 Q. Do you know approximately when Mr. Munch
- 5 became the foreman?
- 6 A. He was foreman and chemist.
- 7 Q. Do you recall approximately when he became
- 8 your foreman, the person who you reported to?
- 9 A. No, I don't.
- 10 Q. Did you hold any other positions in the
- 11 plating room other than plating supervisor?
- 12 A. Foreman, general foreman, waste treatment
- 13 operator.
- 14 Q. As the plating supervisor, was there a foreman
- 15 after Mr. Munch who you reported to?
- 16 A. Yes.
- 17 Q. And do you recall that gentleman's name?
- 18 A. Several. Bill Springer (phonetically), John
- 19 Dykstra (phonetically), Vaud Pickens. There
- 20 could have been more,
- 21 but . . .
- 22 Q. Okay. Do you recall approximately when Mr.
- 23 Springer was foreman?
- 24 A. Yes.
- 25 Q. And when would that have been?

- 1 A. '49 or '50, in that area. Then they go on
2 down the line.
- 3 Q. So Mr. Munch and Mr. Wallace would have been
4 foreman prior to Mr. Springer.
- 5 A. Yes.
- 6 Q. And how about Mr. Dykstra?
- 7 A. After Mr. Springer.
- 8 Q. And do you recall approximately when he became
9 foreman?
- 10 A. No, I don't.
- 11 Q. Okay. And Mr. Pickens, I take it you reported
12 to him in the 1980s.
- 13 A. Yes. Well, in the 1950s, also.
- 14 Q. Mr. Pickens used to work for Union Steel?
- 15 A. He used to work for Union Steel, right.
- 16 Q. Do you recall when Mr. Pickens left the
17 corporation?
- 18 A. No, I don't.
- 19 Q. Was Mr. Pickens the last foreman that you
20 reported to as plating supervisor?
- 21 A. No. Herb Kreger (phonetically).
- 22 Q. And do you recall approximately when you would
23 have reporter to Mr. Kreger?
- 24 A. In the mid '80s.
- 25 Q. So was Mr. Kreger employed by Union Steel, or

- 1 was Mr. Kreger employed by Pickens Plating?
- 2 A. Union Steel.
- 3 Q. When did you become foreman?
- 4 A. When Vaud Pickens left.
- 5 Q. What were your jobs as plating supervisor?
- 6 What were your basic responsibilities?
- 7 A. To maintain the solutions, what the chemist
- 8 told us to put in, see that they were cleaning
- 9 the right shelves for shipment. And maintain
- 10 the machinery, and in a breakdown, get the
- 11 maintenance people in there.
- 12 Q. Did you have any responsibilities for waste
- 13 handling or disposal at that time?
- 14 A. Well, we just didn't throw the stuff away. At
- 15 this time, it was before the waste treatment
- 16 plant was put in. And we weren't too careful
- 17 about what went down at that time. We didn't
- 18 deliberately, you know, dump a tank, but, you
- 19 know . . .
- 20 Q. Did it go into floor drains?
- 21 A. It went into floor drains, to the river.
- 22 Q. How did your responsibilities change when you
- 23 became foreman?
- 24 A. Everything was on my back. Instead of just
- 25 one shift, I had the charge of all shifts, all

1 maintenance, to see that . . .

2 Q. There was more than one plating shift?

3 A. Yes.

4 Q. Okay.

5 A. Three shifts.

6 Q. And so as foreman, then, you were responsible

7 for overseeing --

8 A. All three shifts.

9 Q. Okay. As plating supervisor, which shift or

10 shifts did you supervise?

11 A. The four in the morning to noon shift.

12 Q. Do you recall who your fellow supervisors

13 were, plating supervisors?

14 A. Don Snell (phonetically), which he is

15 deceased, and Pearl Wirebaugh (phonetically).

16 Q. Pearl Wire . . .

17 A. Wirebaugh, b-a-u-g-h. And George Sejworth

18 (phonetically).

19 Q. As foreman, who did you report to?

20 A. Harold Bussing.

21 Q. Bussing?

22 A. Bussing, B-u-s-s-i-n-g.

23 Q. And do you recall what Mr. Bussing's title

24 was?

25 A. Plant superintendent, Contract Wire.

- 1 Q. As foreman, was Mr. Bussing the only plant
2 superintendent who you reported to, or were
3 there others over the years?
- 4 A. Over the years, there were others.
- 5 Q. Do you recall any of their names?
- 6 A. Haggerman (phonetically).
- 7 Q. Do you recall Mr. Haggerman's first name?
- 8 A. I'm just trying to think of that. No. We
9 always called him Haggie, so I can't remember
10 right now.
- 11 Q. Okay. Would Mr. Haggerman have been plant
12 supervisor after Mr. Bussing?
- 13 A. After Mr. Bussing.
- 14 Q. And was there a plant supervisor after Mr.
15 Haggerman?
- 16 A. Herb Kreger.
- 17 Q. Do you recall approximately when Mr. Kreger
18 would have been plant supervisor?
- 19 A. No, I don't.
- 20 Q. Do you recall when Mr. Haggerman would have
21 been plant supervisor?
- 22 A. Not in years.
- 23 Q. While you were foreman, did you report to any
24 plant supervisor after Mr. Kreger?
- 25 A. Yes. Charlie Jones, and then this fellow that

1 canned me. I'll think of his name before the
2 day is over with.

3 Q. When you left in 1981, did you quit or were
4 you fired?

5 A. I was fired.

6 Q. You indicated at some point, you became
7 general foreman?

8 A. Yes.

9 Q. And do you recall when you became general
10 foreman?

11 A. I believe under Herb Kreger.

12 Q. And what was the difference between being
13 foreman and general foreman?

14 A. I had the shipping room also.

15 Q. Was there someone who was general foreman
16 before you, or did your duties just expand?

17 A. My duties just expanded.

18 Q. And so they gave you a different title.

19 A. (Shaking head.)

20 Q. That's correct?

21 A. Correct.

22 Q. You also indicated that at some point, you
23 became the waste treatment supervisor.

24 A. Yes.

25 Q. And when were you the waste treatment

1 supervisor?

2 A. Well, I can't recall when we put that waste
3 treatment plant in. I can't recall when we
4 put the waste treatment plant in.

5 Q. Would this have been before you were foreman?

6 A. I think it was during. At that time then, I
7 held both jobs.

8 Q. Okay. Did you continue to hold both jobs
9 until you left in 1981?

10 A. Yes.

11 Q. So first you were -- if I can get the
12 sequence -- you became a foreman, then you
13 became a foreman/waste treatment room
14 supervisor, then you became general
15 foreman/waste treatment room supervisor when
16 your duties also expanded to include the
17 shipping room.

18 A. Yes.

19 Q. What were your duties as the maintenance
20 superintendent?

21 A. Oversee the maintenance of all the machinery,
22 supervise all the maintenance personnel.

23 Q. Do you know what types of solutions were used
24 to clean the machines?

25 A. Just wiped them down.

1 Q. You didn't use any kind of solvent or
2 anything?

3 A. No.

4 Q. What exactly did you do as the waste treatment
5 room supervisor? What were your
6 responsibilities?

7 A. Well, to make sure that they're treating the
8 spent solutions correctly, checking the
9 affluent to see that that's in the limits, or
10 what the DNR has set for us. Make sure that
11 the reports come in every month.

12 Q. You earlier indicated that you took some
13 management courses from MSU and possibly some
14 other schools.

15 A. Yes.

16 Q. Did you ever take any advanced course work
17 relating to waste treatment or environmental
18 compliance?

19 A. No. Everything I did there was under the
20 direction of Robert Dinnini (phonetically),
21 which is a professor at Albion College.

22 Q. What do you mean by under the direction of
23 Robert Dinnini?

24 A. Dinnini, yeah.

25 Q. How did Mr. Dinnini oversee or direct you?

- 1 A. He would just make sure that I was checking it
2 right. And then he would pick up samples
3 also.
- 4 Q. Was he employed by Union Steel Products,
5 Inc.?
- 6 A. Part-time. Then he was a consultant also.
- 7 Q. And was Mr. Dinnini involved the whole time
8 that you were waste treatment plant
9 supervisor?
- 10 A. No.
- 11 Q. When was Mr. Dinnini not involved?
- 12 A. Probably at the first when we put in our waste
13 treatment plant.
- 14 Q. So in the beginning for a month, six months, a
15 year, a couple years?
- 16 A. A year or two.
- 17 Q. And at that point, you would have been
18 essentially the person in charge, and you
19 didn't have anyone to seek direction from?.
- 20 A. We had several chemists, which were Earl -- I
21 can't think of his last name. We've had -- we
22 had a big change over in chemists at Union
23 Steel.
- 24 Q. So you worked with the chemist, then.
- 25 A. Yeah. Basically, I worked with the chemist,

1 yes. Then towards the last, instead of hiring
2 a chemist, they hired this Dr. Dinnini, which
3 would work summers and any other special
4 projects that we'd have or . . .

5 Q. Were any other types of waste materials
6 generated by Plant 1 other than the waste that
7 went to the waste treatment plant?

8 A. Well at the time, I would say oils out of the
9 welders and stuff that mixed with water, what
10 they put in drums, and . . .

11 Q. They would put those in drums?

12 A. Uh-huh.

13 Q. Fifty-five gallon drums?

14 A. Fifty-five gallon drums.

15 Q. And who oversaw the handling of these 55
16 gallon drums with the oil waste?

17 A. The maintenance superintendent. Either that
18 or the foreman of the manufacturing.

19 Q. So for a portion of the time, you were the
20 foreman of the manufacturing; is that correct?

21 A. I was the foreman of the plating room.

22 Q. Okay. There was a manufacturing operation
23 that also operated in Plant 1?

24 A. Yes.

25 Q. Can you tell me who the various foremen are,

1 that you can recall, of the manufacturing
2 operations?

3 A. Connie Bushong, Ted Greeman (phonetically),
4 T.A. Simms (phonetically). T.A. Simms was
5 also at one time my foreman in the plating
6 room. There could have been more.

7 Q. What product was being manufactured in Plant
8 1?

9 A. Refrigerator shelving, basically.

10 Q. Is that over the whole time period that you
11 worked at the plant?

12 A. Over the whole time period. Also, they
13 manufactured bakery equipment, different parts
14 of bakery equipment in Plant 1. They did all
15 their own tooling in Plant 1, samples,
16 miscellaneous small parts.

17 Q. Do you recall the names of any of the
18 maintenance supervisors, other than your own?

19 A. Wink Kuwat (phonetically), Dick Kuwat, Don
20 Flogus. Had a couple more in there, and I
21 can't recall their names right now.

22 Q. Okay. I'm going to ask you about some names
23 that I've run across, and just ask you if you
24 recognize the name, and if so, if you can tell
25 me what you understand to be their

- 1 responsibilities. Mr. Orr?
- 2 A. He was the president during that -- he was the
3 last president that was in there when
4 Eagle-Picher owned Union Steel.
- 5 Q. Would you have had much day-to-day contact
6 with Mr. Orr?
- 7 A. No. The only contact I had with him, he
8 signed the monthly reports which I sent to the
9 DNR.
- 10 Q. Who would the plant supervisor have reported
11 to?
- 12 A. How far back?
- 13 Q. I meant just position-wise, versus --
- 14 A. Vice-president in charge of manufacturing, of
15 the Contract Wire.
- 16 Q. Okay. Do you recall Mr. Ronald Stewart?
- 17 A. Yes.
- 18 Q. And what was Mr. Stewart's position?
- 19 A. He was vice-president of contract wire.
- 20 Q. Just the position that we were just referring
21 to, that the --
- 22 A. Correct.
- 23 Q. -- plant supervisor would have reported to.
- 24 A. Correct.
- 25 Q. And do you recall when Mr. Stewart was

- 1 vice-president in charge of --
- 2 A. No, I don't.
- 3 Q. Do you recall when Mr. Stewart left the series
4 of companies?
- 5 A. They had a change, and there was quite a few
6 people left during some of the presidents
7 which Eagle-Picher had in there.
- 8 Q. Do you know where Mr. Stewart lives today?
- 9 A. No, I don't.
- 10 Q. Do you know where Mr. Orr lives today?
- 11 A. No, I don't. The last I knew of Mr. Orr, he
12 lived in the Cleveland area.
- 13 Q. Robert Mitchell.
- 14 A. Robert Mitchell, he was vice-president of
15 Contract Wire.
- 16 Q. Do you recall --
- 17 A. But he -- I take that back. He was
18 vice-president of material handling, which is
19 Plant 4.
- 20 Q. Did Mr. Mitchell hold any other positions with
21 the corporation, to your knowledge?
- 22 A. To my knowledge, no.
- 23 Q. When you came back and worked for the
24 corporation in 1983 or so, did Mr. Mitchell
25 hold any positions with the company?

1 A. Vice-president of material handling, I
2 believe.
3 Q. Okay.
4 A. In Plant 4.
5 Q. Robert Urgo.
6 A. Robert who?
7 Q. Urgo, U-r-g-o.
8 A. Don't know the gentleman.
9 Q. Okay. George Hendrickson.
10 A. Don't know the gentleman.
11 Q. Daryl Althaver?
12 A. Daryl Althaver, yes.
13 Q. Can you tell me what Mr. Althaver did?
14 A. He was vice- -- he was working for John
15 Kamakien. He was purchasing agent or
16 vice-president, purchasing agent.
17 Q. And when would he have held those positions?
18 Is this in the mid to late 1980s?
19 A. No, this is late '80s. I believe this was
20 after Mr. Kamakien bought the company.
21 Q. Terry Adkins.
22 A. Terry Adkins, he was one of my foremen, in the
23 plating room. I didn't have him down there.
24 Q. Would he have been before Mr. Pickens?
25 A. Yes. And during Mr. Pickens.

- 1 Q. Do you know when Mr. Adkins left the company?
- 2 A. He's working for Pickens Plating.
- 3 Q. Victor Burstein?
- 4 A. I don't know what connection he had with Union
- 5 Steel.
- 6 Q. Okay.
- 7 A. He's an investor.
- 8 Q. He's a what?
- 9 A. He invests money in it so he could . . .
- 10 Q. James Hallock.
- 11 A. I know the gentleman, but I don't know what
- 12 connection.
- 13 Q. Harry Gardner.
- 14 A. He was sales manager of Union Steel for
- 15 several years.
- 16 Q. During what era?
- 17 A. All areas. Union Steel, Union
- 18 Steel/Eagle-Picher, and what it is . . .
- 19 Q. Union Steel, John Kamakien?
- 20 A. Yes.
- 21 Q. Wallace Shermer.
- 22 A. Shermer (phonetically). He was sales manager
- 23 of material handling. And he had been in the
- 24 sales department all through the area.
- 25 Q. Richard Horodecki?

- 1 A. Horodecki? He was purchasing agent during
2 John Kamakien's time.
- 3 Q. So the 1980s.
- 4 A. Yes, late '80s.
- 5 Q. Verne Plassman?
- 6 A. He's -- I really don't know what connection he
7 had. Financial, I think.
- 8 Q. Okay. Frank Zinn?
- 9 A. Don't know the gentleman.
- 10 Q. James Burtch.
- 11 A. He was a banker at one time in the City of
12 Albion.
- 13 Q. David Delger?
- 14 A. He was plant manager in material handling,
15 then he was plant manager overall, and now he
16 is president of Union Steel. He was my
17 superior towards the last.
- 18 Q. Okay. His first position, you said he was
19 materials handling manager?
- 20 A. Plant manager. When they hired Dave Delger,
21 they hired him -- we had a little
22 manufacturing place in Elkhart, Indiana. And
23 he went down to manage that at the time. This
24 was during a strike that we anticipated at
25 Union Steel, and we wanted to get up . . .

1 Q. Do you recall when Mr. Delger first came to
2 the company?

3 A. I would say in '81, in that area, 1981.

4 Q. Was Mr. Delger employed by the company before
5 you were discharged?

6 A. Yes. Just before, within six months to a
7 year.

8 Q. During the whole time that you overlapped this
9 initial time in 1981, maybe 1980, did Mr.
10 Delger work in Elkhart, Indiana?

11 A. Yes.

12 Q. When you came back in 1983, do you know what
13 Mr. Delger's position was?

14 A. Plant manager, I believe.

15 Q. Of Plant 1?

16 A. Of all plants. When I came back and worked
17 for Mr. Kamakien.

18 Q. What was the relationship between Mr. Delger
19 and Mr. Mitchell, Robert Mitchell, when you
20 came back in 1983, as far as their jobs?

21 A. Mr. Mitchell, I believe he was vice-president
22 of all operations, and Mr. Delger was plant
23 manager, I believe.

24 Q. So Mr. Delger would have had more hands-on
25 management --

- 1 A. Yes.
- 2 Q. -- whereas Mr. Mitchell was more a corporate
3 officer.
- 4 A. Correct.
- 5 Q. Who oversaw the plating operations while
6 Pickens Plating was working for Union Steel
7 Products or leasing the building?
- 8 A. Vaud Pickens and myself.
- 9 Q. Who oversaw the work for Union Steel Products?
- 10 A. Dave Delger.
- 11 Q. Okay. And what was Mr. Delger's role in that
12 regard?
- 13 A. Plant manager.
- 14 Q. And so he would have given directions to Mr.
15 Pickens?
- 16 A. Correct. We operated the plating room just
17 like it was in a -- an in-house. I mean,
18 we've gone down for -- scheduling supervisors
19 and so on, they'd tell us what to do. But
20 Vaud Pickens had full responsibility of the
21 quality.
- 22 Q. Do you know why Mr. Pickens and Pickens
23 Plating was hired by Union Steel Products?
- 24 A. They didn't have anybody to operate it.
- 25 Q. Do you know why you were rehired by Union

1 Steel Products?

2 A. They needed my certification for the waste
3 disposal plant.

4 Q. They didn't have anyone who was certified for
5 waste disposal?

6 A. They hired a gal, but when John Kamakien
7 bought the plant, I understand they let her
8 go.

9 Q. Do you recall the gal's name?

10 A. Jenny Pike (phonetically).

11 Q. Did anyone hold that position between when Ms.
12 Pike was let go and you were brought back on,
13 if you know?

14 A. I don't know.

15 Q. When the plating operations ceased in the mid
16 1980s or so, did Mr. Delger's role change at
17 all?

18 A. I do not believe it did.

19 Q. Do you know whether Mr. Delger presently has
20 any relationship to Union Steel Products,
21 Inc./DCMC?

22 A. He is the president of Union Steel Products
23 right now.

24 Q. I take it, because you've used his name
25 several times, you know John Kamakien.

1 A. Very well.

2 Q. What was Mr. Kamakien's first position with
3 the company, Union Steel Products, if you
4 know?

5 A. He was plant manager of Contract Wire.

6 Q. And do you know when Mr. Kamakien became plant
7 manager of Contract Wire?

8 A. The day he hired in. I cannot tell you the
9 date.

10 Q. This would have been while Eagle-Picher owned
11 it?

12 A. Yes.

13 Q. And do you know what Mr. Kamakien's position
14 was after the purchase of the corporation?

15 A. When he purchased it?

16 Q. Yes.

17 A. Chairman of the board. Whether he went by
18 another title or not, I can just see the sign,
19 chairman of the board.

20 Q. And Mr. Kamakien was the person who asked you
21 to come back to work for the corporation in
22 the 1980s.

23 A. After Vaud Pickens gave up the plating room,
24 Mr. Kamakien asked me to stay on.

25 Q. Okay. Going back to when you came back and

- 1 worked in the plating room around 1983, how
2 did that come about? Did Mr. Kamakien
3 approach you, or did you approach Mr.
4 Kamakien, did Mr. Pickens say why don't we
5 have Mr. Lutzke --
- 6 A. I really don't know. But Mr. Pickens
7 approached me.
- 8 Q. Okay.
- 9 A. Asked me if I would come back.
- 10 Q. Okay.
- 11 A. To Union Steel.
- 12 Q. Have you heard of a gentleman named Donald
13 Carsten?
- 14 A. I don't know the man personally. I've seen
15 him twice, or three times. He is the
16 gentleman that purchased Union Steel from John
17 Kamakien, to my knowledge.
- 18 Q. You indicated earlier that Mr. Kamakien was
19 the plant manager for the Contract Wire. That
20 would have been in a plant other than Plant
21 1.
- 22 A. Just Plant 1. From there, he went to Plant 4,
23 in charge of material handling. He no longer
24 had Plant 1. For how many years, I don't
25 know.

- 1 Q. When you were discharged in 1981, Mr. Kamakien
2 was material manager --
- 3 A. In Plant 4.
- 4 Q. In Plant 4. I may have asked you this
5 already: Do you recall approximately when the
6 waste treatment plant went in and when you
7 became waste treatment supervisor?
- 8 A. Thirty years ago. I'm just taking a guess.
9 And I worked with them, with Chet Harvey
10 (phonetically), which was in charge of our
11 district in the DNR, whenever that was. And I
12 just worked right into it, you know.
- 13 Q. What were your waste disposal, waste handling
14 practices once you got this treatment system
15 in for those types of waste?
- 16 A. What was our practices?
- 17 Q. Yes.
- 18 A. You mean how did we dispose, or . . .
- 19 Q. Yes.
- 20 A. Oh. The treated affluent went right in the
21 river. The residues, for a while, went out to
22 the city dump on Erie Street, in a designated
23 area which the DNR instructed us to put it.
24 Then from there, it went down to Detroit to
25 one of those landfills, after they shut us off

- 1 out there at our dump.
- 2 Q. What river was it you treated affluent
3 discharge to?
- 4 A. Kalamazoo.
- 5 Q. And it was treated within the plant.
- 6 A. Treated within the plant, right.
- 7 Q. And was that the practice throughout your
8 tenure through 1981?
- 9 A. Correct.
- 10 Q. When you came back in 1983, was that still the
11 disposal practice?
- 12 A. Correct.
- 13 Q. What other types of operations occurred in
14 Plant 1 other than plating, what other --
- 15 A. Oh, hot dip galvanizing.
- 16 Q. And what type of waste would have been
17 generated from hot dip galvanizing?
- 18 A. Spent sulfuric acid and cleaning solutions.
- 19 Q. And did you have any responsibility in --
- 20 A. Yes, I had the responsibility for that also.
- 21 Q. And how was that waste disposed of?
- 22 A. Through our treatment plant.
- 23 Q. It was also treated on site and then
24 discharged to the river?
- 25 A. Correct.

- 1 Q. What other types of operations? Were there
2 any other types of operations that you oversaw
3 in the plant?
- 4 A. No.
- 5 Q. What other types of operations occurred within
6 Plant 1?
- 7 A. Dating back how many years?
- 8 Q. Whatever you can tell me.
- 9 A. Oh. Well at one time, we had a degreasing
10 operation there. I couldn't tell you the
11 years. But it was real early. We had paint
12 dipping operations. Other than that, it's
13 just manufacturing of -- then we had a machine
14 shop where we made our own gears and parts for
15 the bakery division.
- 16 Q. When would the degreaser operations have
17 occurred?
- 18 A. Oh, gosh.
- 19 Q. A little stroll down memory lane.
- 20 A. That's what I'm trying to do. Prior to '47.
- 21 Q. Okay. And you mentioned some sort of painting
22 operation?
- 23 A. Yes. That went on until we went to Elkhart.
- 24 Q. Who would have been in charge of the painting
25 operation?

1 A. Oh, gosh. Charlie Morgan (phonetically), for
2 one. Darrell Romans (phonetically). I guess
3 I with some. That's all I can remember.

4 Q. And what was done with waste that was
5 generated from the painting operation?

6 A. Didn't have any, we'd spill it on the floor.

7 Q. It was what?

8 A. It was spilled on the floor in some areas.
9 And then some, we'd put paper on and roll it
10 up and take it to the dump.

11 Q. Some was spilled on the floor, and some you
12 put onto paper and then took it to the --

13 A. Well, we put paper on it to prevent it from
14 being spilled on the floor, but . . .

15 Q. Then you'd dispose of the --

16 A. Then we disposed of the paper, and some of the
17 paint get spilled on the floor.

18 Q. So you used the paper sort of as a drop
19 cloth.

20 A. Yes. What we couldn't get to run back in the
21 tank.

22 Q. And then you also mentioned there were
23 manufacturing operations.

24 A. Uh-huh.

25 Q. And was this the actual putting together of

- 1 the refrigerator shelves?
- 2 A. It was putting together the refrigerator
3 shelves, bakery equipment, bakery shelves,
4 spot welding operations.
- 5 Q. And do you know what type of wastes would have
6 been generated from these --
- 7 A. None. Unless -- they had pans underneath the
8 machines, and where the cooling water would
9 keep the coppers warm, it may drip a little
10 bit and then some of the oil and stuff would
11 get in the pans, and then they'd pump the pans
12 out and put them in 50 (SIC) gallon drums.
- 13 Q. These are the oils that you testified to
14 earlier that were put --
- 15 A. Correct.
- 16 Q. -- in the 55 gallon drums?
- 17 A. Yes.
- 18 Q. You didn't have any responsibilities in regard
19 to this drummed waste.
- 20 A. No, sir.
- 21 Q. Do you know what happened to the drummed waste
22 after it was put into the drums?
- 23 A. Probably taken to the dump.
- 24 Q. Do you recall if at any time a large quantity
25 of drums or drummed wastes ever were built up

1 in the plant, and stored there?

2 A. From when?

3 Q. At any time period.

4 A. Yes. Prior to closing the plating room down,
5 we collected all the drums up and disposed of
6 them.

7 Q. Prior to the plating room closing down, you
8 collected all --

9 A. After the plating room closed down.

10 Q. You collected waste in drums? I guess I'm not
11 quite understanding what you're saying.

12 A. When we cleaned out tanks and -- at one time,
13 we had an awful lot of drums of not just
14 waste, of cleaners, bad paints, so on and so
15 forth, that we'd collected up and disposed of
16 them. This is after the DNR came in, Lee
17 Carter. It was during that regime.

18 Q. So prior to Mr. Carter coming in, there were
19 drums stored; and then after Mr. Carter came
20 in, they were removed? Is that what you're
21 saying?

22 A. Yeah. We did have an accumulation of stuff
23 around there, yes.

24 Q. And that was from sort of a collection of
25 various waste materials once the plating line

1 shut down.

2 A. Yeah. Not just waste. I mean, it wasn't just
3 waste. A lot of it was good material. But we
4 still had to get rid of it.

5 Q. It was product that was not going to be used
6 also.

7 A. Yes. Right.

8 Q. Okay. Do you recall who was in charge of
9 manufacturing at the time you stopped making
10 refrigerator shelves in Plant 1?

11 A. Manufacturing superintendent, or . . .

12 Q. Yeah.

13 A. I believe that would be Dave Delger.

14 Q. Would you have stopped making refrigerator
15 shelves at the same time the plating
16 operations shut down?

17 A. I can't remember just how that worked. I
18 can't remember. There's a possibility that we
19 sent some of the plating out at a different
20 time to be done.

21 Q. During the time that Pickens Plating was
22 working in the plant, did Vaud Pickens
23 essentially function as the plating foreman?

24 A. Yes.

25 Q. You also mentioned there was a machine shop in

1 Plant 1?

2 A. Correct.

3 Q. Do you know what happened to wastes that were
4 generated from the machine shop?

5 A. No, I don't.

6 Q. Do you recall when the machine shop shut down?

7 A. The same time manufacturing the wire goods
8 shut down.

9 Q. Do you recall who was in charge of the machine
10 shop at that time?

11 A. I believe it was Don Flogus.

12 Q. How do you spell his name?

13 A. F-l-o-g-u-s.

14 Q. Do you know where Mr. Flogus lives today?

15 A. He lives on Albion Road, in Albion.

16 Q. When the wire division sort of shut down in
17 Plant 1, were the wastes stored in any
18 specific portion of Plant 1?

19 A. Most of it accumulated in the plating room
20 area. Then we moved it -- we -- what we tried
21 to do is to get the acids, the cyanides, the
22 cleaners, the chromates all segregated in a
23 different area in the warehouse area. And we
24 were redrumming it and getting different
25 outfits in to . . .

- 1 Q. What was the source of the cyanide sludges and
2 the cyanide --
- 3 A. Zinc plating.
- 4 Q. What was the source of the acid waste?
- 5 A. That would be in the cleaning line. You'd use
6 acid to clean the parts with, prior to
7 plating.
- 8 Q. Do you know whether any waste was left in
9 tanks and not put into drums at the plant?
- 10 A. Now?
- 11 Q. At any time after operations ceased --
- 12 A. Yes.
- 13 Q. -- in the mid '80s. Do you know why waste was
14 left in tanks?
- 15 A. No, I don't.
- 16 Q. Do you know who made the decision to leave the
17 waste in the tanks?
- 18 A. Mr. Kamakien.
- 19 Q. And --
- 20 A. He's the one that pays the bill to get rid of
21 it, so . . .
- 22 Q. Do you know if Mr. Delger had any role in that
23 decision?
- 24 A. I do not know.
- 25 Q. And do you know what types of wastes were left

1 in the tanks?

2 A. What is there today?

3 Q. Yeah. Do you know what's there today?

4 A. Uh-huh.

5 Q. When did you learn what's there?

6 A. Learn?

7 Q. Yeah.

8 A. I knew all along.

9 Q. Okay. And the same wastes that are left there

10 today would have been the wastes that were

11 left there in 1984, '85 and --

12 A. Correct.

13 Q. Can you briefly describe the types of wastes

14 and locations?

15 A. Well, there's approximately four thousand

16 gallons of cyanide waste in the cyanide

17 treatment area. It is down the alley from the

18 plating room office to the right as you leave

19 the plating room.

20 Underneath that tank,

21 there's -- I can't remember the gallonages,

22 but there's a storage tank underneath there

23 which is -- the last I knew, it was probably

24 half full. It could be fuller than that. I

25 haven't looked in there for years. Maybe one

1 of these two people from the DNR has looked in
2 there since I have (gesturing).

3 And our zinc plating tanks,
4 they've still got some cyanide sludge on the
5 bottom of them. We have three of them that's
6 got cyanide sludge, and one tank had a
7 chloride zinc in there. Whether or not
8 there's any sludge in that tank or not, I
9 cannot tell.

10 We had a chilling operation for
11 our zinc solutions on the back wall of the
12 plating room towards the east. There is a
13 tank up there, I am sure, that has got cyanide
14 sludge in it. There is a filter in that same
15 area which I'm sure has got some cyanide in
16 it.

17 There is some exhaust tunnels
18 underneath the floor in the plating room, has
19 got some solution in it. What's in the
20 solution, I couldn't tell you.

21 Q. What's the floor of the exhaust tunnels
22 constructed out of?

23 A. Acid brick, concrete acid brick. But there's
24 tiles that go down. And then they was trying
25 to bring the fumes down and out. This is what

1 I can remember in the plating room.

2 Q. Okay.

3 A. Correct me if I miss anything in the plating
4 room (gesturing).

5 Q. We're just asking you what you remember.

6 A. Yes. But I just took these people through
7 Monday, and I may have forgot something, what
8 I showed you Monday (gesturing).

9 Q. Okay. Go on.

10 A. Just outside of the plating room where our
11 solid contact tank is, where all the
12 wastewater runs in, there's probably a 2,000
13 gallon tank plus under the floor there which
14 would have lime or caustic soda, and what we
15 use for treating the chromates, a buildup of
16 that type of thing in there. Whether it's got
17 anything else in there, I couldn't tell you.

18 There is a pit where all this
19 water had run in from all of our treatment
20 facilities that's full. What's in there, I
21 couldn't tell you. Our solids contact tank,
22 which holds approximately seventy-five to
23 eighty thousand gallons, I -- it's been
24 several years since I looked in the top of
25 that how far down it is. I'm sure it's got

1 sludges in the bottom of that. And there
2 could be some stuff in the water. I don't
3 know.

4 Q. What was the condition of the plant, if you
5 can recall, at the time Eagle-Picher sold it?

6 A. The condition of the tanks in the plating
7 room, the machines in the plating room, the
8 overall condition of the whole operation?

9 Q. Yeah.

10 A. Below average. I would say poor.

11 Q. Why would you characterize it as such?

12 A. We had a lot of rinse tanks that had holes in
13 them, all ate out. The machines, we had
14 cobbled up. I would just say it was poor.

15 Q. And how about the waste handling practices
16 while Eagle-Picher owned the plant?

17 A. I would say that was good. We did try to keep
18 that in good operation. Because you never
19 knew when the DNR would be in there. We
20 did -- I feel we did a good job on that.

21 Q. When you came back in 1983, what type of job
22 was being done on waste handling? Would you
23 describe it as --

24 A. I would say good. This Terry Adkins, which he
25 was one of my best foremen, and he was

1 operating at that time. Then when I came
2 back, he went out to Pickens Plating.

3 Q. Were waste materials stored in the plant at
4 the time Eagle-Picher sold the plant, other
5 than what was needed, you know, sort of
6 generated --

7 A. Yes.

8 Q. -- on a day-by-day basis?

9 A. Yes.

10 Q. Was there a lot of waste material that was
11 still in the plant?

12 A. I would say there was quite a bit, yes.

13 Q. Do you know if any of the waste material that
14 is presently in the plant is the result of
15 waste generated while Eagle-Picher --

16 A. Yes.

17 Q. And what's the basis for your belief or
18 knowledge?

19 A. Because it was there when I got discharged.

20 Q. What was there?

21 A. That one 4,000 gallon cyanide sludge, and the
22 stuff that's in where the -- I stated where
23 there was a chiller, the filter and then the
24 chiller. And the tank underneath the cyanide
25 treatment tanks. That was there prior to my

1 being discharged.

2 Q. Do you know why it was never disposed of?

3 A. Cost-wise, I'm sure.

4 Q. Did you continue to work for Union Steel

5 Products until Mr. Kamakien sold the company?

6 A. Yes.

7 Q. Did you ever work for Union Steel Products

8 after it was sold by Mr. Kamakien?

9 A. No. Because as Don Carsten came in, I was

10 going out.

11 Q. Were you employed after you left your

12 employment with Union Steel Products?

13 A. I was employed by Daki Corporation.

14 Q. And --

15 A. Which is Mr. Kamakien.

16 Q. And what was your job for Daki?

17 A. Anything that he wanted me to do.

18 Q. And what did you do?

19 A. I just sort of overseed (SIC) Plant 1. This

20 cleanup that we had in Plant 1, I overseed

21 that. And see that the washmen were there,

22 and -- it was sort of a part-time deal.

23 Q. Did you do any work for General Packaging

24 Corp? Let me back up. Do you know who

25 General Packaging --

1 A. Yeah, I know who they are. Well, they -- when
2 they bought Plant 1, I agreed to stay on for
3 three months. And I helped them all I could,
4 you know, finding the valves and all these
5 things.

6 They never paid me, but that's
7 something else. And I tried to guide them on
8 what to do and what not to do. And to this
9 day, if they want my assistance, I'll help
10 them.

11 Q. Okay. Do you know when Mr. Kamakien sold
12 Plant 1?

13 A. Maybe a year and a half to two years ago. I
14 think it was in March.

15 Q. And who did he sell it to, to your knowledge?

16 A. Frank -- I can't think of his last name.

17 Q. Kuprewicz?

18 A. Kuprewicz, yeah. Kuprewicz, and Russ Moore.

19 Q. And so the Plant 1 wasn't included in the sale
20 to Mr. Carsten?

21 A. To my knowledge, it wasn't.

22 Q. Do you know why it would have been excluded
23 from that sale?

24 A. Yes, I -- the contamination in the plating
25 room.

1 Q. You don't have any specific knowledge.

2 A. I don't have any specific knowledge, no.

3 MR. FIRESTONE: Let's just take
4 a two-minute break. We'll go off the record.

5 (Whereupon, a
6 break was taken.)

7 MR. FIRESTONE: I don't believe
8 I have any other questions for you today. At
9 some future date, I may --

10 THE WITNESS: I'm at your
11 disposal.

12 MR. FIRESTONE: -- ask you to
13 come in and --

14 THE WITNESS: No problem.

15 MR. FIRESTONE: That's it.
16 Thank you very much for coming. Would you
17 like an opportunity to review your transcript
18 and sign it? If you want, you can have the
19 opportunity to review it, make any
20 corrections, and then sign it. Or we can just
21 take it as your statement.

22 THE WITNESS: Take it as my
23 statement.

24 MR. FIRESTONE: Okay.

25 THE WITNESS: I have nothing to

1 hide.

2 MR. FIRESTONE: Okay.

3 (Whereupon, deposition
4 concluded at 10:21 a.m.)

5
6 (END OF RECORD)

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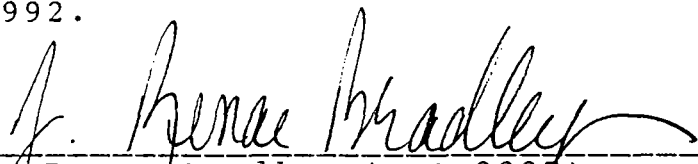
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1 STATE OF MICHIGAN)
2) SS:
3 COUNTY OF INGHAM)

4 I, J. Renae Bradley, a
5 Shorthand Reporter and Notary Public in and
6 for the above county and state, do hereby
7 certify that the foregoing scheduled
8 deposition was taken before me at the time and
9 place hereinbefore set forth.

10 I further certify that the
11 testimony then given was reported by me
12 stenographically, and subsequently transcribed
13 with computer-aided transcription, under my
14 direction and supervision; and that the
15 foregoing is a full, true and correct
16 transcript of my original shorthand notes.

17 IN TESTIMONY WHEREOF, I have
18 hereunto set my hand and notarial seal at
19 Lansing, Ingham County, Michigan, this 7th day
20 of April, 1992.

21 
22 J. Renae Bradley (CSR-3927)
23 Notary Public in and for the
24 County of Ingham, State of Michigan.

25 My Commission Expires: 03/23/96